

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal No. 09-30049-DRH
vs.)	
)	
BILL L.WILMOTH, III,)	
)	
Defendant.)	
)	

MOTION TO CONTINUE SENTENCING HEARING

NOW COMES the Defendant, BILL L.WILMOTH, III, by and through his attorney, Ethan Skaggs, and respectfully moves this Honorable Court to enter an Order continuing the sentencing hearing in this matter, and in support thereof states:

1. The Defendant's cause is currently scheduled for sentencing on April 19, 2010 before this Honorable Court¹.
2. The Defendant is in the process of preparing for the sentencing hearing in this matter and needs additional time to do so. The Defendant intends to call several witnesses at the sentencing hearing of which it is anticipated that one of the witnesses will be clinical psychologist Daniel Cuneo. Dr. Cuneo will be out of the area on April 19, 2010 and is not available for the hearing.
3. Counsel believes that he can not effectively represent the Defendant without additional time to prepare for the sentencing hearing and discuss the matter the Defendant.

¹ The Defendant entered a plea guilty to the charges in this matter on January 14, 2010, at which time the sentencing had been set for April 20, 2010.

4. The Defendant has not previously filed for a continuance of the sentencing hearing in this matter.

5. Additionally Counsel for the Defendant is scheduled to appear before the Honorable G. Patrick Murphy on April 19, 2010 at 11:00 A.M. in Benton, Illinois for the sentencing hearing of his client Christopher Dabney in the matter of U.S.A v. Dabney, 09CR40069-010 (GPM). Based upon a revised Presentence Report that was tendered to the Defendant this afternoon in that matter, it appears Counsel and Mr. Dabney are ready to proceed to sentencing in the matter. Counsel would note that the Assistant United States Attorney assigned to the matter of U.S.A v. Dabney, 09CR40069-010 (GPM) is also the assigned assistant to the instant matter.

6. No party will be prejudiced by a continuance of the sentencing hearing in the instant matter. If the Court is so inclined to grant the Defendant's request, Counsel would humbly asked the Court to set the matter at a time other than the beginning of the week of May 24, 2010, do to Counsel being scheduled for jury trial in the matter of the People of the State of Illinois vs. Lee Crutchfield, St. Clair County case 05-CF-2092.

WHEREFORE, Defendant, BILL L.WILMOTH, III, prays that this Honorable Court grant a continuance of four weeks of the setting in this matter.

Respectfully submitted,

s/ Ethan Skaggs
Attorney for Defendant

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CERTIFICATE OF SERVICE

I certify that notice of electronic filing of the foregoing document was filed electronically with the Clerk of Court on April 9, 2010, to be served by operation of the Court's electronic filing system.

s/ Ethan Skaggs